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EXAMINER
LAO, S

ART UNIT	PAPER NUMBER
2755	3

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

☐ Responsive to communication(s) filed on _____ .

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire _____3_____ month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) _1-59_____ is/are pending in the application.

    Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) _1-59_____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐approved ☐disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

    ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

        ☐ received.

        ☐ received in Application No. (Series Code/Serial Number) _____ .

        ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    *Certified copies not received: _____ .

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). ___2___

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

1.   This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2.   Claims 1 - 59 are presented for examination.

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-4, 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnamurthy et al.

As to claim 1, Krishnamurthy teaches data processing system (event-based process management system), including

one or more event modules (client) including code that generates an event data signal representative of a particular event (client commands, announce events, trigger actions, sections 2.2, 2.3),

one or more scripts (actions) each of said one or more scripts having one or more instructions (sequence of command, section 2, first para., section 3.2),

one or more processing modules (client) each including code that provides processed data to said one or more scripts (trigger specification) (command interpreter, has matched the event component, section 2.3); and

a task module (server), selectively communicating with each of said one or more event modules, including code for execution of a selected one of said one or more scripts that corresponds to said event data signal (command interpreter to execute the action component, section 2.3);

during said execution, said selected script interfaces with one or more processing modules (client-server system) and incorporates results of said interfacing into said selected script (actions are inter-related by the events that occur during their execution, page 133, 2nd-3rd para.s) (actions of Yeast specification automatically make announcement, page 137, section 2.2.2, and the announcements trigger other actions, page 141, last para.).

As to claim 2, Krishnamurthy teaches executing a plurality of said one or more scripts substantially simultaneously (process management system coordinates and controls a software tool development and distribution process), fig. 1.

As to claim 3, Krishnamurthy teaches converter module to maps said event data signal to one or more scripts upon reception (command interpreter, has matched the event component, section 2.3).

As to claim 4, Krishnamurthy teaches one or more processing modules / task module as client / server.

As to claims 21-26, inherently, Krishnamurthy's system includes storage / computer-readable medium / persistent memory for storing code. Since the system of Krishnamurthy interacts with user (page 137, section 2.2.2), including a standard language interface or a graphical user interface would have been inherent. Script building module for creating one or more scripts is met by Krishnamurthy (generating specification, page 141, section 3.2, first para.).

5.   Claims 5-19, 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnamurthy et al as applied to claim 1 in view of Waclawsky et al.

As to claims 5-6, 8-9, Waclawsky teaches event-based network management (event driven interface, abstract), including providing information relating to operating conditions (performance measure, step 408) and load balancing (load balancing, modify network operation) (abstract, step 412). Direct communication is taught by the network configuration. Since Krishnamurthy and Waclawsky address event management, it would have been obvious to combine the teachings.

As to claim 7, storing script/specification would have been inherent to Krishnamurthy.

As to claims 10-12, Krishnamurthy as modified teaches (Waclawsky) bidirectionally and substantially simultaneously transmitting data between (network), dynamically assigning processing functions (compare performance and modify network operation, steps 408, 410, 412).

As to claims 13-19, Krishnamurthy as modified teaches (Waclawsky) communication interfaces (event driven interface) and protocols (method/system of Waclawsky) between various modules of the network.

As to claims 28-32, Krishnamurthy as modified teaches (Waclawsky) protocols and communication interfaces (note discussion of claims 13-19 above), means for transmitting and receiving response data (client/server), and peripherals (printer 26).

As to claim 33, note discussion of claim 1 and Krishnamurthy as modified teaches (Waclawsky) resource management module that dynamically assigns processing functions to (media manager 102); and administrative module that receives and presents data relating to (network monitor 22). Fig.s 1, 6, 10.

6.   Claims 20, 27, 34-35, 41-44, 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnamurthy et al as applied to claim 1 in view of Bloem et al.

As to claims 20, 27, Krishnamurthy teaches actions are inter-related by events (page 133, second para.) and events trigger actions which in tern trigger further

announcement of specification, which updates the specification/scripts. Further, Bloem explicitly teaches one or more scripts is preprogrammed to iteratively/dynamically update/modify its contents (type 2 trigger dynamically generates and executes a list of type 1 triggers) (col. 2, lines 43-56; col. 8, line 40 - col. 9, line 17).Since Krishnamurthy and Waclawsky address event based system management, it would have been obvious to combine the teachings.

As to claim 34, it is basically a method claim of claim 1. Further, note discussion of claims 20 and 27 for dynamically incorporating results of execution into a script.

As to claim 35, note discussion of claims 13-19 and 32 for communication interface and peripherals.

As to claims 41-44, note discussion of claims 13-19 for protocols and interfaces, claim 2 for substantially simultaneously. Accessing only the peripheral modules that capable of performing processing operations is inherent to load balancing of Waclawsky.

As to claim 46, providing results of execution is taught by Waclawsky (monitor performance).

7.   Claims 36-40, 45, 47-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnamurthy et al in view of Bloem et al as applied to claim 34 and further in view of Waclawsky et al.

As to claim 36, note discussion of claim 11.

As to claims 37-40, Waclawsky teaches producing response data signals as a result of execution (monitor performance); transmitting response data signals from a task module to selected said one or more peripheral modules (output control signal, step 412), storage (memory 100). As to the step of translating, data formatting/translating is common practice in the art when a sender and a receive have different formats/conventions.

As to claim 45, note discussion of claims 20 and 27.

As to claim 47, note discussion of claims 34 and 45. It is noted a selected set of self-modifying process steps is equivalent to the script programmed to execute based on as recited in claim 45.

As to claim 48, note the discussion of claim 45.

As to claims 49-52, storage means, means for transmitting response data, processing modules are inherent to Waclawsky. And a utilization location is taught by sender (A1, A2, A3) and destination (B1, B2, B3).

As to claims 53-55, 58, note discussion of claims 2, 5, 8.

As to claim 56, Krishnamurthy teaches programming means (client announce command).

As to claim 57, that executing means will not interface with an unavailable processing means would have been a conventional result of load scheduling/balancing.

As to claim 59, note discussion of claim 47. Selectively executing is taught by Krishnamurthy (event triggers action).

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue Lao whose telephone number is (703) 305-9657. A voice mail service is also available at this number. The fax number for this Group is (703) 305-9731.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Sue Lao

June 17, 1999

ALVIN E. OBERLEY
SUPERVISORY PATENT EXAMINER
GROUP 2700